

DECISION

Dispute Codes CNC, CNR

Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request to have two notices to end tenancy cancelled the first notice is a one month Notice to End Tenancy for cause in the second notice is a 10 day notice for non-payment of rent.

Background and Evidence

At the beginning of the hearing the landlord stated that the tenant has paid the majority of the rent, and therefore they are withdrawing the 10 day Notice to End Tenancy for non-payment of rent.

Therefore this application I am strictly dealing with the one month Notice to End Tenancy for cause.

The landlord testified that:

- The tenant or her invited guests have been disrupting the other tenants in the rental property and they have had numerous complaints about noise, yelling,

people fighting, and people ringing the buzzers to all apartments at all hours of the day and night.

- Building security is also witnessed numerous people coming and going from the tenant suite, and had complaints from other tenants above the high traffic to this tenant suite.

The landlord is therefore requesting an Order of Possession be issued for the end of June 2010.

The tenant testified that:

- She previously had a roommate who she believes may have been causing the problems reported by the other tenants.
- She had spoken to him about the problems that things did not change however he is now left it is not living in her rental unit a longer period

the tenant therefore errs requesting that the Notice to End Tenancy be cancelled and that she be allowed to stay, because your roommate was the one causing the problems not her.

Analysis

It is my finding that the landlord has shown that the tenant or her invited guests or her roommate were unreasonably disturbing the other occupants of the rental property, and therefore the landlord did have grounds for ending the tenancy with a one month notice.

The tenant by her own admission stated that it was likely her roommate that was causing the disruptions and therefore even if the roommate has now moved out the Notice to End Tenancy is still a valid notice and I will not set aside.

Conclusion

The tenant's application is dismissed in full, without leave to reapply, and I have issued an Order of Possession to the landlords for 1 p.m. on June the 30th 2010.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 14, 2010.

Dispute Resolution Officer